

**GOVERNMENT OF ANDHRA PRADESH
ABSTRACT**

Revision Petition - Chittoor District – Revision Petition filed by Sri Musali Madan Mohan Reddy, S/o Late Muni Reddy R/o Kalikiri Village and Mandal, Chittoor District – against the orders of the Joint Collector, Chittoor vide his Procds.No.D.Dis.(E8) 9444/2006, dated. 13-10-2006 and the Commissioner, Appeals Office of the Chief Commissioner of Land Administration, Hyderabad procds.No.BCW2/646/06, dated. 9-11-2006 – Revision Petition dismissed - Orders – Issued.

REVENUE (ASSN.IV) DEPARTMENT

G.O.Ms.No. 1154

Dated: 04-11-2009.

Read the following:-

- 1) From the Joint Collector, Chittoor District Proceeding. No. D. Dis. (E8)9444/2006, dated. 13-10-2006.
- 2) From the Commissioner of Appeals Office of the Chief Commissioner of Land Administration, Hyderabad Proceeding No.BCW.2/646/2006, dated.9-11-2006.
- 3) Revision Petition filed by Sri Musali Madan Mohan Reddy S/o Late Muni Reddy, R/o Kalikiri Village and Mandal, Chittoor District dt.11-12-2006.
- 4) Govt. Memo.No.57735/Assn.IV(2)/2006, dated.25-01-2007.
- 5) From the District Collector, Chittoor Lr.Roc.No.E8/4710/2007, dated. 1-4-2008.
- 6) From the Spl. Chief Secretary and Chief Commissioner of Land Administration, Hyderabad Lr.No.Spl.B3/132/2007, dated. 28-4-2008.
- 7) Govt. Memo.No.57735/Assn.IV(2)/2006, dated. 29-11-2008.
- 8) From the Collector, Chittoor Lr.Roc.E5/3395/2007, dated.24-1-2009.
- 9) From the Tahsildar, Kalikiri Mandal, Chittoor Dist. Dated. 22-08-09.

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ORDER:-

In the reference 1st read above, the Joint Collector, Chittoor District has issued proceedings dated. 13-10-2006 wherein it is reported that one Sri Musali Madan Mohan Reddy S/o Musali Muni Reddy, Kalikiri Village and Mandal has filed a Revision Petition along with a stay petition, against the orders of the Sub-Collector, Madanapalle passed in his proceeding dated. 11-9-2006 in which the appeal filed by the petitioner was dismissed with the observation that his request for exemption of land to an extent 2.33 acre in Sy.No. 605/2 from resumption could not be considered as the land in question, is part of contiguous block of the land earmarked for housing purpose. The land in question is part of the contiguous block earmarked for allotting house sites to weaker sections people under Indiramma Housing Programme and the lands are required for public purpose and there is no reason to interfere with the orders of Sub-Collector, Madanapalli passed in his proceedings No.D.Dis.B1/1836/2006, dated. 11-09-2006.

2. The land in Sy.No.605/2 Ext. 2.33 acres was assigned to Sri C. Reddappa vide A.M.No.1410/4/64, dated. 20-6-55. One Sri Musali Madan Mohan Reddy has purchased the land from Sri C. Balarama Krishna S/o C. Reddappa through Regd. Deed No. 548/2000, dated 7-8-2000. The MRO., Kalikiri has initiated necessary action for cancellation of D form patta under Act, 9/77 and resumed the land to Govt. vide Mandal Revenue Officers`s Proceedings Roc.B/54/2006 dated. 18-4-2006 for the purpose of providing house sites to 1635 eligible beneficiaries under Indiramma Programme. Aggrieved by the orders of the MRO., Kalikiri the petitioner i.e. Sri Musali Madana Mohan Reddy has filed a W.P. in W.P.No.8635/2006 requesting for exemption of the above said land from resuming the land for provision of house sites under Indiramma Housing Programme.

(P.T.O.)

3. The Hon`ble High Court of A.P. Hyderabad in its order dt.26-4-2006 in W.P.No.8635/2006, while disposing of the W.P. at the admission stage itself, has observed that "Unless and until final orders are passed by the MRO., Kalikiri pursuant to the notice in Roc.B/54/06, dated.26-3-06, the petitioner shall not be dispossessed. However, by now if any orders are passed by the MRO., u/s 4 of the Act, it shall be open to the petitioner to proceed further in accordance with law". The petitioner has again filed another W.P. in W.P.No.11755/06 requesting to suspend the order of the MRO., Kalikiri and not to dispossess him from the above land. The Hon`ble High Court of A.P. Hyderabad in its order dated 19-6-2006 in W.P.No. 11755/06 has dismissed the W.P. with a direction to the Writ Petitioner to prefer a Statutory appeal before the Sub-Collector, Madanapalle.

4. In pursuance of the directions of the Hon`ble High Court, the petitioner has filed an appeal petition before the Sub-Collector, Madanapalle on 11-7-2006. The Sub-Collector, Madanapalle, after due enquiry into the matter has dismissed the appeal petition in his Proceedings D.Dis.B1/1836/2006, dated.11-9-2006, observing that his request for exemption of land from resuming the land could not be considered as the disputed land in question is part of contiguous block of the land earmarked for housing purpose.

5. Aggrieved by the orders of the Sub-Collector, Madanapalle, Sri Musali Madana Mohan Reddy has filed a Revision Petition before the Joint Collector, Chittoor on 29-9-2006. The Joint Collector, Chittoor has perused the connected records and passed orders as follows:-

"As seen from the records, the land in Sy.No. 605/2 Ext. 2.33 acres is an assigned land under DKT rules to one Sri C. Reddeppa. The above subject land was sold by the son of original assignee, to the Revision Petitioner i.e. Sri Musali Madana Mohan Reddy and the same was registered through Sale Deed.No.548/2000 dated 7-8-2000 selling of assigned land is prima facie objectionable. The contention of the petitioner that he is the absolute owner and possessor of the land in Sy.No. 605/2 Ext.2-33 acres of Kalikiri Village and Mandal is not correct, since the land in question is a DKT land and the Govt. is the paramount owner of the same. The Revision Petitioner himself, on the grounds of appeal has admitted that he is a bonafide purchaser of the land which attracts the provisions of A.P. Assigned Land (Prohibition and Transfers) Act, 9 of 1977.

The land was resumed by Govt., under violation of condition of D form patta for providing House sites to weaker sections under Indiramma Housing Programme duly giving opportunity to the purchase i.e. Sri M. Madana Mohan Reddy to put forth his plea. Hence the petitioner has no right over the land in question and he has not been issued any patta or PPB/TD also. The land was resumed by the Govt. on 20-4-2006 by the then Mandal Revenue Officer, Kalikiri The enquiries made in the case has further revealed that the revision petitioner is a native of Parapatla Village of Kalikiri Mandal and he was already assigned an extent of 4.96 acres of land in Sy.No. 328 of Parapatla Village of Kalikiri Mandal. Thus he is not landless poor.

6. In view of the above facts, as the land is question is part of the contiguous block earmarked for allotting house sites to weaker section people under Indiramma Housing Programme and the land is required for public purpose and there is no reason to interfere with the orders of the Sub-Collector, Madanapalle passed in his Procdgs. Dated. 11-9-2006. Accordingly the Joint Collector, has dismissed the Revision Petition filed by the M. Madana Mohan Reddy.

7. Aggrieved by the orders of the Joint Collector, Chittoor Sri Musali Madana Mohan Reddy has filed a Revision Petition before the Commissioner of Appeals, O/o CCLA., Hyderabad. The CCLA., Hyderabad has perused the impugned order of the Joint Collector, Chittoor and passed the order that under A.P. Assigned Lands (POT) Act, 1977, the right forum for filing of Revision is Government, and dismissed the R.P. Aggrieved by the orders of Commissioner of Appeals, in the reference 2nd read above, Sri Musali Madan Mohan Reddy, S/o Late Muni Reddy has R/o Kalikiri Village and Mandal Chittoor District has filed Revision petition before the Government on 11-12-06 against the orders passed by the Joint Collector, Chittoor vide Procd. No.D.Dis.E8/9444/06, dated. 13-10-2006.

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8. The above case was called for hearing by the Government on 2-8-2008 and subsequently it was heard on 23-8-2008, 25-10-2008, 22-11-2008, 30-5-2009 and finally on 22-8-2009. The Advocate for the petitioner and the respondent i.e. Tahsildar, Kalikiri Mandal, Chittoor District were present. The Tahsildar, Kalikiri Mandal Chittoor was directed to appear before the Secretary to Government, Revenue Department along with the relevant records on the subject land on 22-8-2009. The Tahsildar, kalikiri Mandal, Chittoor has reported that the land in Sy.No. 605/2, dry an extent of Acs. 2.33 of Kalikiri Village was originally assigned to C. Reddeppa on 20-6-55 and the same was sold away by his son Sri C. Balarama Krishna to Sri M. Madana Mohan Reddy through registered deed No.584/2000, dated. 7-8-2000. The assignment land in Sy.No.605/2 Ext. 2.33 is cancelled for violation of condition and the land is resumed to Government for providing house site pattas to the weaker section under INDIRAMMA housing programme and the said land is part of the contiguous block of 55.74 acres, which was also resumed to Government for house sites purpose. After resumption of the said land i.e. Sy. No. 605/2 extent of Acs.2.33 the house site pattas have been issued to the beneficiaries under Indiramma during 5/2007 and the houses have been constructed and the beneficiaries are also residing in the houses. There is no vacant land available in the said land and total extent 2.33 is covered with Indiramma Houses. The Revision Petitioner could not produce any new material paper in support of his claim.

9. The Government after considering all the facts and after careful examination of the matter find that the order issued by the MRO/ Tahsildar, Kalikiri Mandal, Chittoor resuming the assigned land from Sri Musali Madan Mohan Reddy S/o Late Muni Reddy R/o Kalikiri Village and Mandal Chittoor District, for violation of the DKT condition is in accordance with the rules.

10. This authority orders that there is no need to interfere with the orders passed by the Joint Collector, Chittoor in his proceeding No. D.Dis. (E8)9444/2006, dated. 13-10-2006 confirming the resumption orders passed by the MRO, Kalikiri, dated.18-4-2006 and as confirmed by the orders of Sub-Collector, in his proceedings No.D.Dis.B1/1836/2006, dated.11-9-2006. Accordingly the R.P. filed by the Revision Petitioner is dismissed.

11. The District Collector, Chittoor shall take further necessary action accordingly.

RAJESHWAR TIWARI,
SECRETARY TO GOVERNMENT

To

Sri Musali Madana Mohan Reddy, S/o Late Muni Reddy,
R/o H.No. 7-155-9, Cross Road, Kalikiri Village and Mandal,
Chittoor District.

The Registrar, Institution of A.P. Lok-ayuktha, Basheerbagh,
Hyderabad (wr.to Lr.Dis.No.726/2007/B1/LOK/5014/2009,
dated. 20-6-2009.

The Commissioner of Appeals, O/o the Chief Commissioner of
Land Administration A.P. Hyderabad.

The Joint Collector, Chittoor District.

The Mandal Revenue Officer, Kalikiri Mandal, Chittoor District.

M/s G. Rama Chandra Reddy, Advocate, Flat No. 14, Block No. 16
HIG-II, Baglingampalli, Hyderabad.

The P.S. to Minister (Revenue)

The P.S. to Secretary (Revenue)

SF / SC

//FORWARDED:: BY ORDER//

SECTION OFFICER